

Notice of Allowability

Application No.

10/042,605

Applicant(s)

NICPONSKI, HENRY

Examiner

DANIEL G. MARIAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on October 5, 2005.
2. ☒ The allowed claim(s) is/are 2-18 and 21-36 (will be renumbered as 1-33).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11232005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DANIEL MIRIAM
PRIMARY EXAMINER

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Luke Walker (Reg. No. 30,700) on November 23, 2005.

The application has been amended as follows:

Amend the specification as follows:

In page 11, line 27, after "1999" insert "(which is now US Patent no. 6,671,405)" - -

In page 13, line 27, after "1999" insert "(which is now US Patent no. 6,636,648)" - -

In page 15, line 20, after "09/460,759" insert "(now US Patent no. 6,671,405)" - -

In page 16, line 10, after "09/347,310" insert "(now US Patent no. 6,636,648)" - -

In page 17, line 19, after "09/460,759" insert "(now US Patent no. 6,671,405)" - -

In page 18, line 10, after "09/347,310" insert "(now US Patent no. 6,636,648)" - -

Amend claim 26 as follows:

At line 22-23, delete the limitation "said semantic theme processor of the selected semantic classification processing said group of images" and replace it with "said semantic theme processors each being configured to process said group of images differently" - -

Amend claim 32 as follows:

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At line 17, after “and” insert “providing a plurality of semantic theme processors, one for each semantic classification;” - -

At line 19, after the limitation “decision” insert “using a respective one or none of said semantic theme processors” - -

Reasons for Allowance

2. Claims 2-18 and 21-36 are allowed. The claims will be renumbered as 1-33.
3. The following is an examiner’s statement of reasons for allowance: with respect to independent claims 2, 4-5, and 23-24 the reasons for allowance of objected claims 2, 4-5 and 23-24 (which are now rewritten in independent form) are not repeated herein, but are incorporated by reference. With respect to independent claims 7, 21, 26 and 32, the closest prior art of Mojsilovic, et al do not teach or fairly suggest, among other things, using the image group confidence measure to decide whether the image group belongs to a selected one or to none of the semantic classifications to provide a classification decision, whereby the selected semantic classification constitutes the general semantic theme of the group of images; providing a plurality of semantic theme processors, one for each semantic classification, using the selected semantic classification to determine which of the semantic theme processors to apply to the group of images; and applying the selected semantic theme processor to the group of images; a decision module that uses the image group confidence measure to decide whether the image group belongs to a selected one or to none of the semantic classifications, whereby the selected semantic classification constitutes the general semantic theme of the group of images and that routes the group of images to further processing responsive to the selected semantic classification; and a plurality of semantic theme processors, one for each semantic classification,

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the semantic theme processors each being configured to process the group of images differently.

It is for all of the above reasons in combination with all the other limitations in the claims that claims 2-18 and 21-36 are allowable over the closest prior art of Mojsilovic, et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH M. MEHTA can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications are available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DANIEL G MARIAM
Primary Examiner
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November 23, 2005